

Case 2:18-cv-00661-RDP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

Pamela Stubbs,
Plaintiff.

vs.

Compass Bank,
Defendant.

Amended Hostile Work Environment Complaint

Plaintiff, Pamela Stubbs, hereby submits its opposition to Defendant's Motion to
Dismiss the Complaint.

COMPLAINT

I. JURISDICTION

1. The jurisdiction of court is invoked pursuant to Title VII of the Civil Rights Act of 1964 as amended. The jurisdiction of this court is invoked to secure protection for and to redress the deprivation of rights secured by 2000e providing relief against a Hostile Work Environment under the protected class of race and Cat's Paw Liability. Plaintiff has initiated her EEOC charge and received her Notice of Right to Sue Letter. Prior to Filing this Complaint. See Exhibit A.

II. PARTIES

2. Plaintiff Stubbs is an African American female living in Jefferson County, Alabama.

3. Defendant Compass Bank is a domestic corporation doing business in Jefferson County on the date of the events that are the basis for this complaint.

III. STATEMENT OF FACTS

HOSTILE WORK ENVIRONMENT

4. Plaintiff was hired in or about November 2007.

5. An email was sent to HR during the week of 12/22/2017 concerning harassment against her by a manager (Kelly Ellis) and a co-worker (Jacqueline Ligon). See exhibit B.

6. Plaintiff Stubbs stated to HR Partner that she had a meeting with Kristen Metty, Kelly Ellis' manager during the month of February 2017.

7. Plaintiff Stubbs stated to Metty that Kelly Ellis was harassing her assigning more difficult cases to her which makes it very difficult or impossible to meet required departmental goals. It was also stated that Kelly constantly places her hand firmly on the Plaintiff's shoulder as to intimidate her. This behavior continued even after a follow-up meeting with HR on 02/01/2018. See Exhibit C
On 06/04/2018 Kelly walked up behind Plaintiff Stubbs and poked her in the back with her fingers.

See Exhibit D. The behavior was unwelcomed, humiliating, and was believed to be done to intentionally causing Stubbs emotional distress and uncertainty for her safety.

8. Monthly evaluations were given by Team Lead Judy Jones from 03/2017 to 06/26/2017 where it was stated that there were no problems with the Plaintiff's work. Then on 07/17/2017 Plaintiff Stubbs was told that she was not a team player, that she would be graded poorly in that area which would in-turn negatively affect her raise for next year and block any available promotions.

(Burlington Industries, Inc. v. Ellerth) affirming that employer is strictly liable for supervisor harassment in a tangible employment action such as failing to promote. It was also discovered that Derogatory statements were added to the Plaintiff's file by Kelly and management will not give the Plaintiff a copy of the evaluations as to hinder any opportunity of transferring out of the department.

9. On 12/26/2017 Plaintiff Stubbs emailed a letter to the Office of General Counsel at Compass Bank stating that the work environment has become stressful due to a co-worker Jacqueline Ligon spreading rumors throughout the department that Stubbs has a sexually transmitted disease. This is intentional

infliction of emotional distress that has harmed my reputation and caused co-workers to disassociate themselves from me. It was also noted in the email that Jacqueline Ligon has conducted this type of behavior in the past. It is also believed that management knew or should have known about the offensive and abusive behavior but allowed it to be permitted See exhibit E. (Cat's Paw Liability) “[I]f the [non decision maker employee] performs an act motivated by [prohibited] animus that is intended by [non decision making employee] to cause an adverse employment action, and if that act is a proximate cause of the ultimate employment action, then [employer] is liable as cited in the opinion on remand, Staub v. Proctor Hosp., 421 F. App'x 647, 648 (7th Cir. 2011).] [emphasis added]

10. On 06/26/2018 a second EEOC charge was filed #420-2018-02838. Plaintiff Stubbs stated that she overheard manager Kelly Ellis say to another co-worker that as long as she is employed with Compass Bank she would make her life a living hell. See exhibit E. Due to the unlawful, extreme and outrageous behavior of Kelly Ellis Stubbs has suffered mentally as well as physically. She was hospitalized From 07/22/2018 to 07/27/2017, has missed several days from work causing disciplinary actions towards her attendance and defamation of character

overlooked by management. Stubbs believes the actions of Kelly Ellis, Emotional Distress and Abusive Work Environment is the on-set of her health declining.

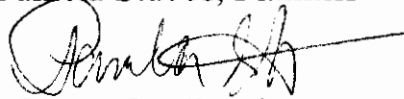
11. Although Plaintiff describes circumstances in the EEOC charge that fully reflect a Hostile Work Environment, the Plaintiff unintentionally did not check the "Other" box for Hostile Work Environment and Cat's Paw Liability.

WHEREFORE, PREMISES CONSIDERED, Plaintiff request the following relief:

1. Grant Plaintiff an order requiring Defendant to make Plaintiff whole by granting appropriate declaratory relief, compensatory and punitive damage.
2. Grant Plaintiff a permanent injunction enjoining Defendant, its agents, successors, employees, attorney and those acting in concert therewith from continuing to violate the civil rights laws.
- 3.

Respectfully submitted this 19th day of November, 2018

Pamela Stubbs, Plaintiff



3317 Woodley Court

Hoover, Al 35216

205-422-8500

EXHIBIT A

EEOC Form 3 (11/99)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC		Agency(ies) Charge No(s): 420-2018-00883
_____ and EEOC State or local Agency, if any				
Name (Indicate Mr., Ms., Mrs.) Ms. Pamela D Stubbs		Home Phone 205-422-8500		Year of Birth
Street Address 3317 1st Street West, HOOVER, AL 35216		City, State and ZIP Code		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)				
Name COMPASS BANK		No. Employees, Members		Phone No.
Street Address 15 20th street south, BIRMINGHAM, AL 35233		City, State and ZIP Code		
Name		No. Employees, Members		Phone No.
Street Address		City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)				DATE(S) DISCRIMINATION TOOK PLACE Earliest 02-23-2017 Latest 12-22-2017 <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a black female who has worked for the above named employer for ten years. On february 23rd, 2017 I complained on my manage Kelly Ellis. I complained ot her manager Kristin Metty. I told kristen that Kelly Ellis was reassigning more difficult cases to me. This would in-turn make it more difficult to meet expected goals of 20 cases weekly and 80 cases monthly. On August 4th 2017, I had a meeting with my team lead Judy Jones. Judy stated in the meeting that I was consistently below expected monthly production goals from May until July. Judy and I went over the numbers and it was found that I did meet production from May until July. After speaking with Kelly Judy called me back into the meeting and said I am being coached for not meeting production only for the month of July. Per Kelly Ellis there would no further changes made and time taken away from the job for a single day of vacation, holidays, sick days and meetings would not be considered. This course of action would insure failure to complete assigned work and lead to disciplinary actions including terminatin. Another incident During the month of July when I received approximately four phone calls from Tamika Wren, a HR Representative concerning my attendance. Two of the called occured while I was in the doctors office. Tamika wanted to known when I would be completing FMLA parpers per the request of Kelly Ellis. I asked Tamika how many occurances I had and she did not know. The next upon returing to work I received an email from Kelly stating that I have four occurances. We went back and forth concerning the matter and it was determined that I only had three and five occurances starts the diciplinary action process. I felt harrassed and believed this to be a form of retaliation</p>				
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements		
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT		
Digitally signed by Pamela Stubbs on 12-29-2017 02:36 PM EST		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)		

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p align="center"><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p> <p align="right">420-2018-00883</p>
<p align="center">_____ <i>State or local Agency, if any</i></p>	
<p>for complaining to Kelly Ellis manager. On December 22nd, 2017 I contacted HR Representative Tammy Fincher to complain about defamation of character by a co-worker with behavior being known to upper management. I told Tammy that Jacqueline Ligon a BSA Specialist and is under the management of Monica Fuquo. For several months Jacqueline has defamed my character by spreading rumors throughout the department that I have a sexually transmitted disease. Other offensive comments were stated concerning my hair, clothing, and that I am unclean. It is well known throughout the department that Jacqueline has conducted this type of behaviour in the past as it was stated to me by Keldric Williams that Jacqueline speaded rumors about him throughout the BSA department and caused co-workers to stray away from him. After hearing my complaint about Jacqueline, Tammy stated that there was not much that could be done. It is against company policy for myself and fellow employees to be subjected to such behavior. If employees of BSA/AML Department were questioned I am confidently sure that these accusations against Jacqueline Ligon will be found to be true and also that the behavior is known to management. In addition The week of December 22nd, 2017 I have been hearing rumors that I will be fired after I return from vacation which is the week of December 29th, 2017. It was said that my manager Kelly Ellis would seek to find error in my work that would result in termination. I have a right to a stress free work environment. It is unfair that my character is defamed by a co-worker and job threatened by my manager. I am seeking help to stop the rumor, harassment and retaliation.</p> <p>I believe that I have been retaliated against for engaging in protected activity in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY - <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center">Digitally signed by Pamela Stubbs on 12-29-2017 02:36 PM EST</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT _____</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

EXHIBIT B

Mail

More

COMPOSE

SGL-06157131 HR Solutions Inbox x

- Inbox (6)**
- Starred
- Sent Mail
- Drafts (90)**
- BSA (54)**
- Changes and Updat...**
- Good Reading (54)**
- HR (12)**
- KYC Emails (14)**
- NSU (37)**
- Personal (163)**
- Reviewer Comments...**
- More

HRHELP.US@bbva.com

to me

Good morning Pam,

Hope that you're doing well today! You will need to reach out to your Talent Partner direct Tammy Fincher and she can be reached at tammy.finch@bbva.com or directly at 205-2

Thank you for contacting Team Member Services!
Lori

<<<<<<<<<<<<<<<<<>>>>>>>>>>>>>>>>>>

DESCRIPTION: From: PAM STUBBS

Subject: Requesting a Meeting.

Good Morning,

I would like to request a meeting with an HR representative concerning Harassment and Retaliation against me by management and a co-worker.

Thank You.

EXHIBIT C



Tammy

Mail

Report Phishing

Move to Inbox

More

COMPOSE

Invitation: Follow up meeting w/ Talent & Culture @ Thu Feb 1, 2018 1pm - 2pm (CST) (pam.stubbs@bbva.com)

Personal x

Inbox (1)

Starred

Sent Mail

Drafts (15)

BSA (54)

Calendar

Changes and Updat...

Good Reading (55)

HR (16)

KYC Emails (14)

NSU (37)

Personal (171)

More

TAMMY FINCHER <tammy.finch@bbva.com>
to me, PATRICIA, KELLY, JUDY

Jan 31

Feb

1

Thu

Follow up meeting w/ Talent & Culture...

View on Google Calendar

When Thu Feb 1, 2018 1pm - 2pm (CST)

Where Daniel 1E-2 /1st floor Talent & Culture area

Who KELLY ELLIS, PATRICIA OSBORNE, JUDY JONES, TAMMY FINCHER*

Agenda

Thu Feb 1, 2018

No earlier events

1pm Follow up meeting w/ Talent & Culture...

No later events

Follow up meeting w/ Talent & Culture

[more det](#)

When Thu Feb 1, 2018 1pm - 2pm Central Time

Where Daniel 1E-2 /1st floor Talent & Culture area ([map](#))

Calendar [pam.stubbs@bbva.com](#)

Who

- TAMMY FINCHER - organizer
- PATRICIA OSBORNE
- KELLY ELLIS
- JUDY JONES
- [pam.stubbs@bbva.com](#)

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [pam.stubbs@bbva.com](#) because you are subscribed for invitations on calendar [pam.stubbs@bbva.com](#).

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

invite.ics Download

EXHIBIT D



PAM STUBBS <pam.stubbs@bbva.com>

Continued unacceptable behaviour of Kelly Ellis

1 message

PAM STUBBS <pam.stubbs@bbva.com>

Mon, Jun 4, 2018 at 2:00 PM

To: tammy.fischer@bbva.com

Hi Tammy,

This is Pam Stubbs again writing to let you know that I am continuing to have problems with Kelly Ellis. Just a few minutes ago Kelly walked up to me and put her hand on my back. I should not have to keep telling this woman to keep her hands off of me. It has been made known that I do not want her touching me so why is she still being allowed to do it.

If she wants to get my attention she can tap on the desk or just speak a little louder but putting her hands on me is unacceptable. I just wanted to let you know before I move forward with my complaint.

Thanks

Pam

BBVA Compass
Pam Stubbs
AML/BSA

Tel. (205) 297-3352 - Fax (205) 524-3686 email - pam.stubbs@bbva.com
Danial Building - Birmingham, AL
Inter-Office Mailcode: AL-BI-CH-BS

EXHIBIT E

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 420-2018-02838	
and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Ms. Pamela D Stubbs		Home Phone (205) 422-8500	Year of Birth
Street Address City, State and ZIP Code 3317 Woodley Court, HOOVER, AL 35216			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name COMPASS BANK		No. Employees, Members	Phone No. (205) 297-3000
Street Address City, State and ZIP Code 15 20th St South, BIRMINGHAM, AL 35233			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 02-26-2018 05-25-2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am an African American female. I have been employed for over 10 years with the above named employer. On February 26, 2018, I asked to leave work early. My request was denied. Manager Kelly Ellis informed me that it was against company policy. On May 25, 2018, Ketric Wiley (male) asked to leave work early and his request was granted. I heard Mr. Wiley say, Pam was not allowed to leave early when she asked, and Ms. Ellis replied, I don't care. I am going to make her life a living hell for the remainder of the time that I am here.</p> <p>On June 4, 2018, Ms. Ellis walked up to my desk and put her hands on me by poking me after I have previously asked her not to touch me. I emailed my HR representative, Tammy Fincher, because of the continued behavior by Ms. Ellis, which has also been reported to HR Manager Patricia Osbourne.</p> <p>I believe I am being discriminated against because of my sex (female), and retaliated against, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
Digitally signed by Pamela Stubbs on 06-26-2018 11:10 AM EDT	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

EXHIBIT F

I am writing to complain about a stressful work environment due to Defamation of character by a co-worker with behavior being known by upper management.

Jacqueline Ligon is a BSA Specialist I and works under Monica Fuqua. For several months now Jacqueline has defamed my character by spreading rumors throughout the BSA department that I have a sexually transmitted disease. She has spread rumors outside of the office to people that we commonly know. Other offensive comments were stated concerning my hair, clothing and that I am unclean.

This is intentional infliction of emotional Distress that has harmed my reputation and caused co-workers to disassociate themselves with me.

Jacqueline Ligon has conducted this type of behavior in the past as stated to me by Keldric Williams. He stated that she spread rumors about him throughout the BSA Department which caused co-workers to stray away from him. Another incident stated to me by Antoine Welch. Jacqueline cursed his out in front of other employees grabbed her belongings and left the office.

It is against company policy for myself and fellow employees to be subjected to such behavior. If employees of the EDD, CTR, OFAC and AML Department are questioned I am confidently sure that these accusations against Jacqueline Ligon will be found to be true and also that the behavior is known to management.

I tried reporting my complaint to my talent and culture representative, Tammie Fincher. After hearing my complaint Tammie stated that there was not much that could be done. That is when I decided to send my complaint to the Office of General Counsel.

In Addition: The week of 12/22/2017 I have been hearing rumors that I will be fired after I return from vacation which is the week of 12/29/2017. It was said that my manager Kelly Ellis would seek to find error in my work that would result in termination. I have a right to a stress free work environment it is unfair that my character is defamed by a co-worker and my job threatened by management. I am seeking help from the council to make this inappropriate, unlawful behavior stop.

 12-26-2017

July 25, 2014.

in:chats

Mail

COMPOSE

Inbox (1)

Starred

Sent Mail

Drafts (76)

BSA (54)

Changes and Upd...

Good Reading (50)

HR (12)

KYC Emails (14)

NSU (31)

Personal (118)

Reviewer Comme...

Less

Important

Chats

All Mail

Spam

Chat with KELDRIC J WILLIAMS ---

little. Probably use to those a\$\$ kissers.

PAMELA D STUBBS ---

Well, Diana told me the CTR system has not been working properly for about 2 years and they are having to go back for 2 whole years to review work. 11:01 AM

KELDRIC J WILLIAMS ---

The two years i've been here no one would talk to me for at least a year and a half other than miserable jackie. She just wanted dirt she could tell about me though. This is a stiff group.

PAMELA D STUBBS ---

I know. But, I can handle that. I don't like people in my business anyway. I just don't want to move :(

KELDRIC J WILLIAMS ---

You don't have to move. IF you are asked to help and you accept then let them know its only until they catch up or ask for a time frame. I don't want people in my business either especially as much as some of these people whisper in here. If anyone ever spoke or talked to me jackie would start rumors that i was up to something. She even got alot of people avoiding or being chitty

Open chat